

UNITED STATES DISTRICT COURT  
DISTRICT OF NORTH DAKOTA

Vanessa Dundon, et al.	)	
	)	Case No. 1:16-cv-406
Plaintiffs,	)	
	)	
vs.	)	<b>AFFIDAVIT OF BENJAMIN J.</b>
	)	<b>HASBROUCK</b>
Kyle Kirchmeier, Morton County, City of	)	
Mandan, Jason Ziegler, Stutsman County,	)	
Chad Kaiser, et al.,	)	
	)	
Defendants.	)	

Benjamin J. Hasbrouck, being first duly sworn upon oath, states as follows:

[1] I am counsel for TigerSwan in this matter and, as such, have personal knowledge of the matters addressed in this affidavit.

[2] Attached to this affidavit as Exhibit A is a true and correct copy of a March 31, 2021, email I sent to Plaintiffs' counsel objecting to the topics for examination.

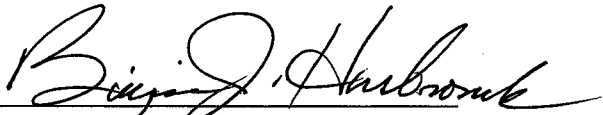
[3] Prior to the deposition, I conferred with Plaintiffs' counsel by telephone (Mara Verheyden-Hilliard). During that call, Plaintiffs' counsel stressed that the questioning would be limited to the time frame set forth in the topics for examination and would focus on the alleged November 20, 2016, law enforcement action at issue. Also during that call, I advised Plaintiffs' counsel that prior to the subpoena being issued and pursuant to its contract with Energy Transfer, TigerSwan had returned to Energy Transfer all the documentation of its work in North Dakota.

[4] Attached to this affidavit as Exhibit B is a true and correct copy of an affidavit executed by James Patrick Reese, TigerSwan's former CEO, dated June 24, 2020. The affidavit was provided in a proceeding brought by the North Dakota Private Investigative and Security Board, as indicated on the caption. The affidavit was produced by Plaintiffs in their initial

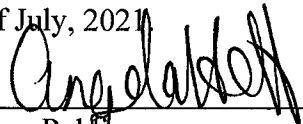
disclosure in the case entitled *Thunderhawk v. County of Morton et al.*, which is in the United States District Court for the District of North Dakota as Case No. 1:18-CV-00212.

[5] Attached to this affidavit as Exhibit C is a true and correct copy of a June 29, 2021, email I sent to Plaintiffs' counsel seeking a negotiated resolution of his matter, along with counsel's July 2, 2021, response filed shortly before Plaintiffs' brief was filed in this matter.

Dated this 7<sup>th</sup> day of July, 2021.

  
Benjamin J. Hasbrouck

Subscribed and sworn to before me this 7<sup>th</sup> day of July, 2021

  
Notary Public

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